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Superior Court of California, County of Butte

18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA

20 TOM FISHER,	CASE NO. 2:05-CV-00600-WBS-KJM
21 Plaintiff,	<u>Civil Rights</u>
22 v.	STIPULATION FOR DISMISSAL
23 BUTTE COUNTY; BUTTE COUNTY	Complaint Filed: January 24,
24 COURTHOUSE; SUPERIOR COURT	2005
25 OF CALIFORNIA, COUNTY OF	Trial Date: August 22, 2006
26 BUTTE; and DOES 1 through	
27 20, Inclusive,	
28 Defendants.	

IT IS STIPULATED by and among Plaintiff, TOM FISHER,

1 Defendant, BUTTE COUNTY, and Defendant, SUPERIOR COURT OF
2 CALIFORNIA, that on or about March 22, 2006, the parties
3 reached a settlement on Plaintiff TOM FISHER's injunctive
4 relief and damages claims.

5 BUTTE COUNTY agrees to undertake all of the
6 following injunctive relief at the Courthouse. SUPERIOR COURT
7 OF CALIFORNIA agrees to maintain its policies effectuating
8 item number 6 below, The Court's Policy.

- 9 1. Parking Lot Serving the County Courthouse: Provide
10 two van-accessible parking spaces with signage
11 designating the accessible spaces in the parking lot
12 serving the Court facility located at the Chico
13 Branch of the Superior Court of Butte County located
14 at 655 Oleander Avenue, Chico, CA (hereinafter the
15 "Courthouse").
- 16 2. Paths of Travel: Provide an accessible path of
17 travel from the lot to a public entrance to the
18 Courthouse.
- 19 3. Restrooms: Complete a unisex accessible restroom in
20 the Courthouse. Install directional signs at the
21 accessible restrooms directing persons with
22 disabilities to the location of the accessible
23 restroom.
- 24 4. Service Counters: Lower one service counter in the
25 Courthouse. Install signs directing disabled
26 persons to the lowered service counter to inform the
27 public that all services offered to the general
28 public are available at the lowered window for

mobility impaired persons.

5. Entrances: Adjust the opening door pressure to the accessible entrance to the Courthouse to no more than 8.5 lbs of pressure to open.

6. The Court's Policy: Train and direct appropriate employees to make all services offered to the general public available to mobility impaired persons at the lowered service counter in the Courthouse.

Defendant BUTTE COUNTY further agrees to pay compensatory damages to Plaintiff in the amount of \$4,001.00.

The parties agree that the Court may retain jurisdiction of the action to enforce these terms, and the claims shall be dismissed with prejudice subject to the Court's continuing enforcement jurisdiction.

Pursuant to this settlement, BUTTE COUNTY and TOM FISHER have agreed that Plaintiff is entitled to recover reasonable attorney's fees and costs, if any, as provided by law, and this Court shall retain jurisdiction over that issue. PLAINTIFF waives any claim for damages, attorney's fees and costs against Defendant SUPERIOR COURT OF CALIFORNIA. By entering into this stipulation, Defendant, SUPERIOR COURT OF CALIFORNIA, does not admit any liability whatsoever, all such liability being denied.

PLAINTIFF and BUTTE COUNTY will have sixty (60) days to reach a settlement on reasonable attorney's fees and costs from the date the Court signs the order approving this stipulation. In the event PLAINTIFF and BUTTE COUNTY are

1 unable to reach a settlement on attorney's fees within sixty
2 (60) days of approval of this stipulation, Plaintiff may file
3 a motion to recover attorney's fees and costs with this Court
4 no later than sixty (60) days thereafter. BUTTE COUNTY
5 reserves all rights to oppose such a motion.

6 This Court's fees and costs determination shall be
7 an order appealable directly to the Ninth Circuit Court of
8 Appeals.

9
10 Dated: June 23, 2006

PAUL L. REIN
PATRICIA BARBOSA
JULIE MCLEAN

11
12
13 /s/ Paul L. Rein
14 Attorneys for Plaintiff
TOM FISHER

15
16 Dated: June 23, 2006

STEPHEN E. HORAN
NATHAN W. AUSTIN

17
18 /s/ Nathan Austin
19 Attorneys for Defendant
20 BUTTE COUNTY
(as authorized on 6/23/06)

21 Dated: June 22, 2006

GREENBERG TRAURIG, LLP

22
23 /s/ Kathleen Finnerty
24 KATHLEEN E. FINNERTY
25 MARC B. KOENIGSBERG
26 Attorneys for Defendant
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF BUTTE
(as authorized on 6/22/06)

ORDER

Pursuant to stipulation, and for good cause shown, **IT IS SO ORDERED.** This court shall retain jurisdiction to enforce the settlement terms, and to determine an award of attorney's fees and costs as between Plaintiff and BUTTE COUNTY if said parties are unable to settle this matter in accordance with the terms and schedule set forth above. Subject to these conditions, the case is **HEREBY DISMISSED.**

Dated: July 19, 2006



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE